

Attorney Docket No.: 037003-0275543
Client Reference No.: 1991-30-0019CP4C1

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 25 2005

In re PATENT APPLICATION OF

Nabil HANNA *et al.*

Application Serial No. 09/612,914

Filed: July 10, 2000

Title: RECOMBINANT ANTI-CD4 ANTIBODIES FOR HUMAN THERAPY

Group Art Unit: 1642

Examiner: Christopher Yaen

Monday, April 25, 2005

**PETITION REQUESTING WITHDRAWAL OF
ABANDONMENT PURSUANT TO 37 C.F.R. § 1.181(a)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is in response to the Notice of Abandonment mailed 23 February 2005, which stated that U.S. Patent Appl. No. 09/612,914 was abandoned due to the applicants' failure to reply to an official communication (notice of non-compliant amendment) allegedly mailed on 9 December 2003 (setting a one-month response due date).

The applicants, through their undersigned attorney, request, pursuant to 37 C.F.R. § 1.181(a), that the holding of abandonment of U.S. Patent Appl. No. 09/612,914 be withdrawn. *This request is based upon the fact that the undersigned attorney/firm never timely receive the aforementioned official communication.*

In February 2005, the applicants' legal representative contacted the examiner to ascertain the status of the application. The representative was informed that a notice of non-complaint amendment (enclosed herewith as Appendix A; copy courteously provided by the examiner) was "of-record" in the "file" but it was unclear to the examiner if the notice was ever mailed (due to a lack of signature on the second page as well as a lack of examiner identification on the first page). The representative so informed the examiner that such a notice was never received by the applicants' legal representative/firm. The examiner then

Hanna et al.—U.S. Patent Appl. No. 09/612,914

stated that he (the examiner) would inquire whether the notice could now simply be mailed. Subsequent to this initial conversation, the examiner informed the legal representative that the notice of non-complaint amendment would not be mailed but that a notice of abandonment would be mailed.

As evidence of non-receipt, the applicants have enclosed (as Appendix B) the docket record of U.S. Patent Appl. No. 09/612,914 as maintained by the undersigned's firm's docketing department. The attached docket record is an event log that identifies (a) the date of submission of all documents submitted to the USPTO for U.S. Patent Appl. No. 09/612,914, and (b) the official mailing date of all documents received from the USPTO for U.S. Patent Appl. No. 09/612,914. As it will be noted, an official USPTO communication (notice of non-compliant amendment) dated 9 December 2003 was never received by the undersigned's firm.

As further evidence of non-receipt of the notice of non-compliant amendment dated 9 December 2003, submitted herewith is a copy of the docket record (Appendix C) maintained by the undersigned's firm's docketing department. The docket record contains all U.S. and foreign applications for which a response to an official action was due on January 9, 2004. This docket record does not identify U.S. Patent Appl. No. 09/612,914 as an application for which a response to an official action was due on 9 January 2004, and is further evidence that the notice of non-compliant amendment dated 9 December 2003, was not received by the undersigned's law firm.

Finally, enclosed (as Appendix D) is the applicants' proper response to the notice of non-compliant amendment dated 9 December 2003.


Hanna et al.—U.S. Patent Appl. No. 09/612,914

CONCLUSION

In view of the foregoing, the applicants respectfully request that the present petition be granted. Should the Patent Office have any questions or concerns regarding this petition, the undersigned may be contacted at the telephone number listed below.

No fee is believed to be due; however, authorization is hereby made to charge any additional fees that may be required by this submission to Deposit Account No. 033975.

Respectfully submitted,



Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

Tel. No. (703) 905-2144

Fax No. (703) 905-2500

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, VA 22102
(703) 905-2000